

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Applicant: **Volker SEIPEL et al.**
Serial No.: 10/538,719
Filing Date: June 13, 2005 as national phase of International Application
No. PCT/EP03/14150, filed December 12, 2003.
For: **AXIAL PISTON MACHINE**

RESPONSE TO NOTIFIATION OF MISSING REQUIREMENTS

Mail Stop: PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

March 7, 2006

S i r:

In response to the Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US), dated February 9, 2006, a copy of which is enclosed, please find a copy of an executed Declaration and Power of Attorney form signed by the inventor, and a check in the amount of \$130.00 covering the filing surcharge.

If any additional fees are deemed to be due at this time, the Assistant Commissioner is authorized to charge payment of the same to Deposit Account No. 50-0552.

Respectfully submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

By 

William C. Gehris

Reg. No. 38,156

DAVIDSON, DAVIDSON & KAPPEL, LLC
485 Seventh Avenue, 14th Floor
New York, New York 10018
Tel: (212) 736-1940
Fax: (212) 736-2427

FORM PTO-1083
Mail Stop: PCT
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

MAILED 2006
Docket No.: 588.1050
Date: March 7, 2006

In re application of: **Volker SEIPEL et al.**
Serial No.: 10/538,719
Filed: June 13, 2005 as national phase of International Application No. PCT/EP03/14150,
filed December 12, 2003
For: **AXIAL PISTON MACHINE**

Sir:

Transmitted herewith is a **Response to Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (1 page)** in the above-identified application.

- [X] Also transmitted herewith are:
[] Petition for extension under 37 C.F.R. 1.136
[X] Other: - **Copy of Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (2 pages)**
- **Copy of Executed Declaration and Power of Attorney (2 pages)**
- [X] Check(s) in the amount of **\$130.00** is/are attached to cover:
[] Filing fee for additional claims under 37 C.F.R. 1.16
[] Petition fee for extension under 37 C.F.R. 1.136
[X] Other: **Surcharge for late submission of declaration under 37 C.F.R. §1.492(h)**
- [X] The Assistant Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0552.
- [X] Any filing fee under 37 C.F.R. 1.16 for the presentation of additional claims which are not paid by check submitted herewith.
- [X] Any patent application processing fees under 37 C.F.R. 1.17.
- [X] Any petition fees for extension under 37 C.F.R. 1.136 which are not paid by check submitted herewith, and it is hereby requested that this be a petition for an automatic extension of time under 37 CFR 1.136.

ORIGINAL AND TWO COPIES OF THIS DOCUMENT

IN ENVELOPE

20060307


William C. Gehris, Reg. No. 38,156

DAVIDSON, DAVIDSON & KAPPEL, LLC
485 Seventh Avenue, 14th Floor
New York, New York 10018
Tel: (212) 736-1940
Fax: (212) 736-2427

I hereby certify that the documents referred to as attached therein and/or fee are being deposited with the United States Postal Service as "first class mail" with sufficient postage in an envelope addressed to "Mail Stop: PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on March 7, 2006.

DAVIDSON, DAVIDSON & KAPPEL, LLC

BY: 

Randall M. Berman

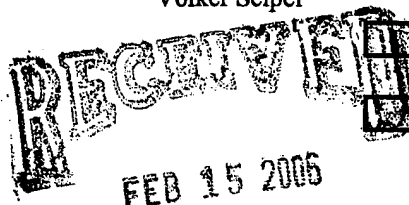


UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/538,719	Volker Seipel	588-1050
INTERNATIONAL APPLICATION NO.		
PCT/EP03/14150		
I.A. FILING DATE	PRIORITY DATE	
12/12/2003	12/13/2002	

23280
 DAVIDSON, DAVIDSON & KAPPEL, LLC
 485 SEVENTH AVENUE, 14TH FLOOR
 NEW YORK, NY 10018



DAVIDSON, DAVIDSON & KAPPEL

CONFIRMATION NO. 6791

371 FORMALITIES LETTER



OC000000017984823

Date Mailed: 02/09/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 06/13/2005
- English Translation of the IA filed on 06/13/2005
- Copy of the International Search Report filed on 06/13/2005
- Preliminary Amendments filed on 06/13/2005
- Information Disclosure Statements filed on 06/13/2005
- Oath or Declaration filed on 06/13/2005
- Request for Immediate Examination filed on 06/13/2005
- U.S. Basic National Fees filed on 06/13/2005
- Priority Documents filed on 06/13/2005
- Specification filed on 06/13/2005
- Claims filed on 06/13/2005
- Abstracts filed on 06/13/2005
- Drawings filed on 06/13/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors; in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath

or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

WINSTON M ALVARADO

Telephone: (703) 308-9140 EXT 206

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/538,719	PCT/EP03/14150	588-1050